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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,910	03/26/2004	Julio J. Hernandez	60021-379701	9393
29838 7590 01/22/2009 OPPENHEIMER WOLFF & DONNELLY, LLP PLAZA VII, SUITE 3300 45 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-1609				
EXAMINER				
PARKER, BRANDI P				
ART UNIT		PAPER NUMBER		
3624				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/810,910

**Applicant(s)**

HERNANDEZ ET AL.

**Examiner**

BRANDI P. PARKER

**Art Unit**

3624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/23/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-14,17-26 and 29-41 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,15,16,27 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-14,17-26 and 29-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/4/2008.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgements***

1. The following is a Final Office action in response to communications filed on 10/23/2008. Claims 1, 2, 6, 8-9, 11-14, 18, 20, 25-26, 29-35, have been amended. Claims 36-41 are newly added. Claims 3-4, 15-16 and 27-28 have been cancelled.

### ***Response to Applicant's Remarks***

2. Applicant's amendment to claim 1, filed on 10/23/2008, has been fully considered and is persuasive. The rejection of claims 1-20 under 35 USC § 101 has been withdrawn.

3. Applicant's arguments with respect to claims 1-17, 20-37, 40-57, and 60 under 35 U.S.C. 102(e) have been considered but are moot in view of the new ground(s) of rejection.

### ***Examiner's Notes***

4. The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the

specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. With respect to claims 1, 13 and 25, Wilkinson teaches a method for defining how to optimize customer experiences, the method comprising:

a. defining a plurality of prioritized experiences correlating to an interaction strategy, wherein each prioritized experience has at least one associated treatment (column/line 6/1-14).

Wilkinson does not directly teach storing the prioritized experiences for application across different communication channels by a central, channel-independent processing engine. However, Patel teaches:

- b. storing the plurality of prioritized experiences in a central repository (column/line 3/7-41);
- c. such that the stored plurality experiences are available for application across a plurality of different types of communication channels by a central, channel-independent processing engine (column/line 3/25-28).

It would have been obvious to one of ordinary skill in the art to include the business system of Wilkinson with the ability to storing the prioritized experiences for application across different communication channels by a central, channel-independent processing engine as taught by Patel since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

2. As to claims 2, 14 and 26, Wilkinson further teaches evaluating a customer strategy for a company (column/line 6/15-18); identifying a plurality of customer segments for a customer base of the company; and formulating the interaction strategy based on value opportunities (column/line 6/32-38).

3. As to claims 5 and 17, Wilkinson further teaches wherein evaluating the customer strategy comprises: evaluating business value drivers; defining key performance indicators; and defining business constraints (column/line 6/15-18).

4. Regarding claims 6, 18 and 29, Wilkinson further teaches wherein identifying the plurality of customer segments comprises: segmenting a plurality of customers by behavior data stored in a data warehouse; segmenting the plurality of customers by value data stored in a data warehouse; and generating a two-dimensional matrix for cross-segmenting the plurality of customers using the behavior data and the value data (column/line 14/4-13).

5. With respect to claims 7, 19 and 30, Wilkinson further teaches wherein formulating the interaction strategy comprises choosing a subset of interaction reasons from a pre-defined repository of interactions for a specified industry (column/line 12/46-57, specific conditions that can be tailored to a specific industry).

6. As to claims 8, 20 and 31, Wilkinson further teaches wherein formulating the interaction strategy comprises capturing a current channel mix for all customer experiences and future channel mix for the plurality of prioritized experiences (column/line 10/6-23).

7. Regarding claims 9, 21 and 32, Wilkinson further teaches wherein formulating the interaction strategy comprises modeling value opportunities (column/line 14/4-13).

8. With respect to claims 10, 22 and 33, Wilkinson further teaches wherein formulating the interaction strategy comprises ranking interaction reasons to determine a primary set of interaction reasons (column/line 5/61-67).

9. As to claims 11, 23 and 34, Wilkinson further teaches wherein formulating the interaction strategy comprises:

d. defining a plurality of treatments (column/line 5/55-61); and

e. assigning each of the plurality of treatments to a prioritized interaction (column/line 6/15-23).

10. Regarding claims 12, 24 and 35, Wilkinson further teaches wherein assigning is based on a hierarchy of grouped rules (column/line 5/61-67).

11. With respect to claims 36, 38 and 40, Wilkinson further teaches wherein deriving insight about customers from analytical models, wherein defining the plurality of prioritized experiences is based on the derived insight (column/line 7/10-19; 14/15-28).

12. As to claims 37, 39 and 41 Wilkinson further teaches wherein deriving insight from analytical models comprises:

- f. extracting customer data for a plurality of customers from at least one database (column/line 11/59-67);
- g. training an analytical model to predict customer behavior using the customer data extracted from the at least one database (column/line 6/66-7/12; 14/4-13);
- h. gathering customer interaction results (column/line 7/2-5); and
- i. retraining the analytical model to refine the customer behavior prediction using the customer data extracted from the at least one database as well as the customer interaction results (column/line 7/10-19; 14/15-28).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vincent (US 2002/0087385, regarding suggesting customer interaction strategies).

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-5pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley B. Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI P PARKER/  
Examiner, Art Unit 3624

/Bradley B Bayat/  
Supervisory Patent Examiner, Art Unit 3624